

Remarks

Claims 23-43 remain in the case.

In paragraphs 4 and 5 of the Official Action,
Examiner rejected claims 25 and 32 under 35 U.S.C.

5 112, second paragraph. This rejection is respectfully
traversed.

Examiner has asserted a definition of the term
"voice recognition", but the claim language is to be
interpreted in light of the specification and the
10 specification mentions "speaker-independent voice
recognition", which would include what Examiner may
refer to as speech recognition.

It is noted that Schier also uses "voice
recognition" in a similar, if not identical manner to
15 that used in the specification, and thus, Examiner's
limited definition of the term does not even fit with
the usage in Examiner's own primary reference. Schier
uses the term, "voice recognition" at column 4, lines
59-63 to convert spoken words to digits. This "voice
20 recognition" is performed before the user is known,
and is not used to identify the user, but merely to
recognize what was said. The digits themselves are
used to recognize the user by comparison with stored

pass numbers (If the digits are spoken, Column 5, lines 1-4 state that the method continues at step 204, where at column 4, lines 24-29, the digits themselves are compared to stored digits). Therefore, it is
5 asserted that Examiner's definition is too limited and has not been adopted by those skilled in the art.

Therefore, the use of the term "speaker independent voice recognition" in claims 25 and 32 comply with 35 U.S.C. 112, second paragraph.

10 In Paragraphs 6 and 7 of the Official Action, Examiner rejected claims 23-43 under 35 U.S.C. 103(a) as being unpatentable over Schier and further in view of well known prior art. This rejection is respectfully traversed.

15 The following issues are presented.

A. Has the Examiner located in the Schier reference the selecting-the-most-closely-matching-user step claimed?

20 A. The Examiner has Not Located the Selecting-The-Most-Closely-Matching-User Step Because No Such Selecting Is Disclosed by Schier.

Claim 23 recites, "responsive to the voice recognition technique, selecting from the first

plurality of users a second plurality of users,
smaller than the first plurality of users by a factor
of at least ten, for which the first voice recognition
most closely matches at least one selected from the
5 set of at least one grammar and the set of at least
one voiceprint associated with the identifiers of the
second plurality of users".

Claim 30 recites, "the first recognizer
additionally for, responsive to the voice recognition
10 technique, selecting from the first plurality of users
a second plurality of users, smaller than the first
plurality of users by a factor of at least ten, for
which the first voice recognition most closely matches
at least one selected from the set of at least one
15 grammar and the set of at least one voiceprint
associated with the identifiers of the second
plurality of users received at a second input coupled
to the storage output".

Claim 37 recites, "responsive to the voice
20 recognition technique, select from the first plurality
of users a second plurality of users, smaller than the
first plurality of users by a factor of at least ten,
for which the first voice recognition most closely

matches at least one selected from the set of at least one grammar and the set of at least one voiceprint associated with the identifiers of the second plurality of users".

5 On page 4, lines 5-9 of the final office action, Examiner states that the selecting-the-most-closely-matching-user portion of these claimed features is illustrated by elements 221 and 222 in Figure 3A of Schier. Examiner is required under M.P.E.P. 2143 to
10 show that the references when combined teach or suggest all of the claimed features. Examiner has not done this here for a multitude of reasons.

 Steps 221 and 222 state "convert spoken numbers to digital" and "read digital numbers to caller for
15 verification", respectively. The steps are described in Schier starting at column 4, line 62, "In step 221, the spoken input is converted into digital numerical information based on recognition algorithms in the voice recognition system. In step 221, the digital
20 numerical information is read back to the caller, and the caller is given the opportunity at step 222 to verify that the digital numerical information is what was spoken by the user."

Examiner claims that this reads on the claimed element, "from the second plurality of users, selecting the user for which a grammar of the first at least one of the at least one utterance received from the subject user most closely matches at least one of the set of at least one grammar associated with the identifiers of the second plurality of users".

However, no selecting a user from a plurality of users is explicitly disclosed in the manner claimed. Thus, because no selecting a user is explicitly disclosed, to show that the claimed element reads on the reference, the reference would have to inherently disclose the claimed selecting step in the manner claimed. Because the Examiner can only show inherency if there is no other way of performing the function recited, if Applicant can indicate another way, there is no inherency and therefore, the claimed language does not read on the reference.

Here, conventional speaker-independent voice recognition may be used to recognize the digits and play them back to the caller. There is no need for any selecting of a user to be performed using the most closely matching grammar of users as claimed. Because steps 220 and 221 can be performed without any

selecting of users, the claimed element is patentably distinguishable from Schier.

It is noted that, in Schier, the next step after the identification of the digits spoken is the selection of a user. Does this match the claimed element? The answer is no, the claimed element requires the selection be performed by matching grammars in the manner claimed, and this is not explicitly disclosed, nor is it necessary. In fact, Schier practically teaches away from performing the step using this function because Schier takes the recognized digits and looks them up in a database of digits stored for each user to select the user. If Schier had used grammars to select a user, he would not need to look up that user in the database, which he does at steps 204, 205 and 210 at column 4, lines 24-30.

Would the claim element read on the combination of all of these steps? The answer here again is no. The claim element reads as follows:

from the second plurality of users,
selecting the user for which a grammar of the
first at least one of the at least one utterance
received from the subject user most closely

matches at least one of the set of at least one grammar associated with the identifiers of the second plurality of users

Ignoring the issue of the second plurality of users, which is addressed below, Schier never describes the specific technique he uses to recognize the digits, and grammar extraction is not the only way of performing speaker-independent voice recognition, so there is no inherency of grammar extraction. Even if it were, the speaker independent nature of the voice recognition would mean that there would be no most-closely matching the grammar extracted with at least one grammar associated with the identifiers of any plurality of users as claimed.

Thus, the claim element does not read on Schier.

Finally, Schier does not address that steps 220 or 221 are performed on a smaller plurality of users than a first plurality of users in which other voice recognition techniques are used as claimed. Thus the "second plurality of users" addressed at the beginning and near the end of the claim element is not addressed by Schier. As described below, Examiner nowhere asserts that any cited reference selects a second plurality of users in the manner claimed, and

therefore, even the combination of all of Examiner's references fails to address the second plurality of users in this claim element. Examiner has not met his burden of making out a prima facie case of obviousness
5 under M.P.E.P. 2143.

B. Has Examiner Shown That a Voice
Reorganization System is "Well Known".

B. There Does Not Appear to Be a "Voice
Reorganization System" that Is Well Known.

10 On page 4, line 17, Examiner refers to the well known "voice reorganization system". Examiner has been requested to provide evidence of such a "reorganization system", the details of its operation, and the fact that it is well known. Examiner has not
15 responded to any request for such documentation. Thus, the reference is not considered well known under M.P.E.P. 2143.03.

An admittedly not-authoritative, but indicative, search on Google.com of "Voice Reorganization System"
20 yields only four references, none of which detail a system that shows the features of the claim language asserted by Examiner.

C. Does Examiner's Purportedly Well-Known Voice Reorganization System Meet All the Limitations of the Claim Element For Which It Has Been Used?

C. Examiner's Purported Voice Reorganization System Does Not Contain All the Features of the Claim Element For Which Examiner Has Used It.

M.P.E.P. 2143 makes clear that the references must teach all of the claim limitations to make out a prima facie case of obviousness.

10 Examiner states that the "well known voice reorganization system" "reduces recognized persons from the initial persons by at least a factor of ten", but this does not show the selection a plurality of users as claimed. Even the function performed by
15 conventional voice recognition systems, which select a single user, not the plurality as claimed, do not supply the features claimed. Therefore, Examiner has not even asserted that all of the claimed features are shown in the references cited or asserted as well
20 known. Examiner has therefore not made out a prima facie case of obviousness under M.P.E.P 2143.

D. Has Examiner Cited a Proper Motivation to Combine the Voice Reorganization System with Schier?

D. There is No Proper Motivation To Combine any Voice Reorganization System With The Schier Reference

Under M.P.E.P. 2143.01, the fact that references can be combined does not render the combination
5 obvious unless the prior art also suggests the desirability of the combination. Examiner states at the end of page 4 of the Final Action mailed 12/02/2002, that voice recognition has the ability to "recognized (sic) persons unique characteristic of
10 utterance". However, Examiner has cited nothing in either reference that would lead one to make the claimed combination. Examiner is using impermissible hindsight to piece together features of the claimed invention. Therefore, Examiner has made an improper
15 combination.

E. Has Examiner Shown the Features Of Claim 30?

E. Examiner Has Not Shown the Features of Claim 30.

Under M.P.E.P. 2143, Examiner is required to show
20 that the reference or references show all of the features of the claimed invention. Claim 30 is an apparatus claim that recites structure. On page 6 of the Final Action mailed 12/02/2002, Examiner points to

steps in Schier in an attempt to illustrate features of a system. The pointed to portions of Schier are not systems or components thereof, but merely steps performed without any mention of structure. Thus,

5 Examiner has not met his burden under M.P.E.P. 2143 with respect to claim 30.

Conclusion

Examiner has not met his burden under the M.P.E.P. for claims 23 and 30 and therefore, those

10 claims are patentably distinguishable over the cited references. Because claims 24-29 depend from claim 23 and claims 31-36 depend from claim 30, claims 23-36 are patentably distinguishable over the cited references. At the bottom of page 6 of the Final

15 Office Action mailed 12/02/2002, Examiner claims that claims 37-43 are rejected for the same reasons as claims 23-30, and as described above, claims 23-30 are patentably distinguishable over the cited references.

Respectfully submitted,
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